

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICHARD AGUILAR, *et al.*,)
vs.)
Plaintiffs,) Case No. 4:14-cv-985-LRR
vs.)
PNC BANK, N.A.,) Judge: Honorable Linda R. Reade
vs.) (Chief Judge N. Dist. Iowa)
Defendant.)

)

MOTION FOR RELEASE OF GRAND JURY DOCUMENTS TO DEFENDANT

COME NOW, Plaintiffs and seek permission to release to defendant PNC Bank, Grand Jury documents secured in *Rosemann et al. v. Sigillito et al.*, 10-CV-1165 (E.D. Mo.) and in support state unto this Honorable Court as follows:

The court in *Rosemann et al. v. Sigillito et al.*, 10-CV-1165 (E.D. Mo.) approved a method, pursuant to Fed. Crim. Rule 6(e), for identifying and securing the release of “grand jury materials and other relevant information” for the use in the “pending civil action.” (docket no. 411 pg. 4). The parties complied with the Courts directive and secured the release of grand jury materials and other information for use in that case. (docket no. 579, 618, 620). The Court also approved the release of documents from persons who voluntarily provided documents to the U.S. Attorney’s Office during Sigillito’s criminal case if those persons consented to the release of documents they provided. (docket no. 534).

The Case Management Order in this case provides that “Plaintiffs shall seek court approval to provide Defendant with all relevant discovery secured in *Rosemann et al. v. Sigillito et al.*, 10-CV-1165 (E.D. Mo.)” (docket no. 37 pg. 3). Plaintiffs accordingly seek court approval to turn over copies of grand jury materials secured in *Rosemann v. Sigillito*, 10-CV-1165 to defendant PNC Bank and for permission to use the documents in this case.

Fed. R. Crim. P. 6 (e)(3)(E)(I) provides that: “The court may authorize disclosure -- at a time, in a manner, and subject to any other conditions that it directs -- of a grand-jury matter . . . preliminarily to or in connection with a judicial proceeding.”

The parties lack access to the above documents from other sources. Sigillito and Brown are serving their sentence in federal prison and securing documents from them is not possible. Also, many of the documents outdated the various banks retention requirements. The requested disclosure is the only available source for some these documents. Additionally, the “continued need for secrecy is reduced in this case [because] the grand jury has long since ceased its investigation” and also because “the civil litigants seek disclosure of independently generated documents, as opposed to grand jury minutes or witness transcripts.” *In re Grand Jury Proceedings Relative to Perl*, 838 F.2d 304, 308 (8th Cir. 1988).

WHEREFORE, Plaintiffs seek permission to release to defendant PNC Bank, Grand Jury documents secured in *Rosemann et al. v. Sigillito et al.*, 10-CV-1165 (E.D. Mo.) and for permission to use the documents in this case.

Respectfully submitted,

GREEN JACOBSON, P.C.

/s/ Jonathan F. Andres

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2014 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties via the Court's electronic filing system and parties may access this filing through the Court's Case management/Electronic Case Files (CM/ECF) found on the internet at <https://ecf.moed.uscourts.gov>.

/s/ Sebastian Rucci
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